

Division 3. Air Resources Board

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Chapter 9. Off-Road Vehicles and Engines Pollution Control Devices

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Article 6. Portable Fuel Containers and Spouts

**§ 2467.2. Performance Standards for Portable Fuel Containers and Spill-Proof Spouts.**

(a) Except as provided in Section 2467.3, no person shall sell, supply, offer for sale, or manufacture for sale in California on or after January 1, 2001, any portable fuel container or any portable fuel container and spout which, at the time of sale or manufacture, does not meet all of the following Performance Standards for Spill-Proof systems:

(1) An automatic shut-off stops the fuel flow before the target fuel tank overflows.  
(2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.

(3) Has only one opening for both filling and pouring.

(4) Provides a fuel flow rate and fill level of:

(A) not less than one-half gallon per minute for portable fuel containers with a nominal capacity of:

1. less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening; or

2. greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to one inch below the top of the target fuel tank opening if the spill-proof system clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on each spill-proof system or label affixed thereto, and on the accompanying package, if any; or

(B) not less than one gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening; or

(C) not less than two gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.

(5) Does not exceed a permeation rate of 0.4 grams per gallon per day.

(6) Warranted for a period of not less than one year against defects in materials and workmanship.

(b) Except as provided in Section 2467.3, no person shall sell, supply, offer for sale, or manufacture for sale in California on or after January 1, 2001, any spout which, at the time of sale or manufacture, does not meet all of the following Performance Standards for Spill-Proof Spouts:

(1) An automatic shut-off stops the fuel flow before the target fuel tank overflows.

(2) Automatically closes and seals when removed from the target fuel tank and remains completely closed when not dispensing fuel.

(3) Provides a fuel flow rate and fill level of:

(A) not less than one-half gallon per minute for portable fuel containers with a nominal capacity of:

1. less than or equal to 1.5 gallons and fills to a level less than or equal to 1 inch below the top of the target fuel tank opening; or

2. greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to one inch below the top of the target fuel tank opening if the spill-proof spout clearly displays the phrase "Low Flow Rate" in type of 34 point or greater on the accompanying package, or for spill-proof spouts sold without packaging, on either the spill-proof spout or a label affixed thereto; or

(B) not less than one gallon per minute for portable fuel containers with a nominal capacity greater than 1.5 gallons but less than or equal to 2.5 gallons and fills to a level less than or equal to 1.25 inches below the top of the target fuel tank opening; or

(C) not less than two gallons per minute for portable fuel containers with a nominal capacity greater than 2.5 gallons.

(4) Warranted for a period of not less than one year against defects in materials and workmanship.

(3) The test procedures for determining compliance with the performance standards in this section are set forth in Section 2467.7.

(d) The Executive Officer shall coordinate compliance procedures with these Performance Standards with:

(1) California State Fire Marshal (SFM)

(2) California Department of Industrial Relations, Division of Occupational Safety and Health (DOSH)

(e) Compliance with the Performance Standards in this Section does not exempt spill-proof systems or spill-proof spouts from compliance with other applicable federal and state statutes and regulations such as state fire

## **Board Administration and Regulatory Coordination Unit**

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codes, safety codes, and other safety regulations, nor will the Air Resources Board test for or determine compliance with such other statutes or regulations.

(f) Notwithstanding the provisions of subsections 2467.2(a) and (b), a portable fuel container or spout or both portable fuel container and spout manufactured before January 1, 2001, may be sold, supplied, or offered for sale until January 1, 2002 if the date of manufacture or representative date is clearly displayed on the portable fuel container or spout. An explanation of the date code shall be filed with the Executive Officer no later than the later of three months after the effective date of this article or within three months of production, and within three months after any change in coding.

(g) If the Executive Officer finds any manufacturer, distributor, or retailer offering for sale in the State of California a portable fuel container or spout or both portable fuel container and spout that does not substantially comply with the requirements set forth in this article, the manufacturer, distributor, or retailer will be subject to being enjoined from any further sales or distribution of such noncompliant portable fuel containers or spouts or both portable fuel containers and spouts, in the State of California pursuant to Section 43017 of the Health and Safety Code. Penalties may be assessed to the extent permissible under Part 5, Division 26 of the Health and Safety Code. Before seeking remedial action against any manufacturer, distributor, or retailer the Executive Officer will consider any information provided by the manufacturer, distributor, or retailer.

NOTE: Authority cited: Sections 39600, 39601, 43013, 43018 and 43101, Health and Safety Code; and *Western Oil and Gas Ass'n. V. Orange County Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975). Reference: Sections 39000, 39001, 39003, 39500, 39515, 39516, 41511, 43000, 43013, 43016, 43017 and 43018, Health and Safety Code; and *Western Oil and Gas Ass'n. V. Orange County Pollution Control District*, 14 Cal.3d 411, 121 Cal.Rptr. 249 (1975).

#### **REFERENCE**